App.F.IX-4]

1925.

File No. 97-25

Previous References.

Serial Nos. 1-2

Later references.

(17)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 2

Part B for November 1925

SUBJECT

Submits recommendation re civil suits filed by messrs. K Narappiah and Thimmappiah of Thathakalli in respect of loans due by Sri Shivanakatte Mutt. &c

G.O No 558 9
dated 10.11.25

To the Secy Govt
a Compter

The recommendation of the Secy. Govt. is gracefully

G. R S. 11] 1925

GENERAL AND REVENUE SECRETARIAT.

(Inwd.)

NOTES.

File No. 1785

FILE HEADING.

Civil Suit filed by K. Dasappiah and Thimmappiah of Tirthahalli in the Shimoga Munsiffs' court against Bhimiamakatte Matt

From

The Amildar Comr
No. 232 Dated 31/10/25. Received

Diary No.	Enclos.	Spare Copies.	Serial No.
391			1

BRIEF ABSTRACT OF LETTER.

Solicits Sanction of Govt & authorize the Dy. Comr & pay the amounts viz Rs 1054-8-9, as the debt is said & be a legitimate one which the Matt is bound to discharge, and adds

NOTES AND ORDERS.

that as the Suit was filed without previous notice, the Services of the Public Prosecutor will be engaged & contest about the costs in the Suit.

The Dy. Comr's letter dt 21-8-25

4

NOTES—First Sheet.

G. R. S. III. 2]

12

Muzrai Secretariat | Muz. File No. 97 of 192

Serial No.	
	explains the facts of the case fully.
IV	2) From a copy of the Plaint, it is seen that the amount claimed consists of 3 items, which were borrowed by Agent Lakshmi Narayanacha on his own responsibility-
	3) Item no 1. is for Rs 702-4-9 on a pro. note executed by Agent Lakshmi Narayanacha and it is mentioned in the Plaint that the Pro. note is missing.
	4) Items nos. 2 & 3, are for Rs 35 and 40 Said & have been taken by the Said Agent on 4-9-1922 and 29-10-1922.-
	5) The Agent says that

NOTE—Contn. sheet

WD 0561—GPB- 3750—1-8 22

G. R. S. III-2]

Muzrai Secretariat | Muz. File No. 97, of 192 .

Serial No.

he contractor the Coun-
for the expenditure
matter.
(Agent Lakshmicara
happens to be the
The boy nominated
will be
Sri
Secretary

a) ... the M.C. Accounts may
be Secretary

7.10.25

b) The Local Legal Dept may be consulted about the admissibility of the claims. It is a question whether the Agent was right in contracting debts without the approval of the Council, on his own responsibility, when the Temple was under Govt management.

7.10.25

Legal Dept) From what point was the temple under Govt management? Is it this under ...? Was not the Govt person to pay and temple funds. The Govt was taken by the with the Govt permission ... suits against ...

7.10.25 15-10-25.

NOTE—Contn sheet

WD 0561 - GPB- 3750—1 8 22

To when the Secretary V is [illegible]

G. R. S. III 2]

Muzrai Secretariat | Muz. File No. of 192 .

Serial No

8) The local authorities took possession of the math and its properties in July 1922, and formal orders of Govt. were issued in october 1922. (G.O. no. 1586 dt 20-10-1922).

9) The math is still under Govt management.

A copy Regulation VII of 1923 permitting Suits against Govt, is enclosed.

10) In connection with a loan of Rs 14,000 alleged to have been contracted by the late Swamy with the Jamadi family of Muthakadi (to be re-paid in annual instalments of Rs 1000/-, the Addl Secretary has of Division that the matter should be [illegible] & the parties

El Shimoga Sub-ord Officers. Do. dt 15.). 1922)

I

R

NOTE—Contn sheet

G. R. S. III-2]

Muzrai Secretariat | Muz. File No. 97 of 192 .

Serial No.

to make enquiries regarding The legal necessity for the loan and take such action as he will think proper. Under orders of the 1st Member of Council, the Muz. Comr. has asked to leave the matter for the disposal of the new Dharmy. (Letter no. 1483 dt 14.4.25.

Submitted for orders

AV 23/10/25

11) As already stated, it is doubtful if the claims are admissible

24.10.25.

12) L. L. Dept's opinion may be invited on the H.C's proposals.

1st member

24.10.25

26.10.25.

A Dharma subsequent will sanctioned? Verify.

24.10.25.

AV 24/10

13) No bill was subsequently sanctioned.

AV 24.10.25 24-10-25

498 26.10.25

NOTE—Contn. sheet

WD 0561 - GPB- 3750—1-S 22

G. R. S. III. 2]

Muzrai Secretariat | Muz. File No. 97 of 1925

Serial No.

14) Now that a new Swami has been installed as the Trustee, why is it still under Govt. management? Have not steps been taken for the restoration of the management to the new Swami

29.10.25

15) A new Swami has been installed but as he is a minor the properties are under Govt. management & no steps have been issued for the re-delivery of same to the Trustee

8.11.25

16) Has not the Muzrai Commissioner recommended that the Trust be continued under Govt. management?

2.11.25

17) The Muz. Comm's report on the subject has been received. The case is ripe for enquiry.

Submitted

AV

3.11.25

NOTE—Contn. sheet

WD 0561 - GPB—3750—1 8 22

Serial No

18) The Matli properties are continuing under Govt. management on account of the minority of the Swamijalu. The Asst. Comr has recommended that the management may continue ~~under~~ with Govt. till the Swamijalu comes of age. (The file is separately under Submission) Submitted with respects to members minute on the last page.

Rev. Secy) 3.11.25.

1st member) 4.11.25

(7) 19) Muz. Comr's. comm dt 2-11-25 soliciting early orders in the matter as the case stand adjd to 11th instant, is also submitted

AP 5-11-25. 5/11/25

5.11.25.

1st member)

131/5.11

20) The Muz. Comr is recommended to pay the amt from the Muth funds as applt. It is presumed that there is enough money in the credit of the Muth to meet the payment

5/11 6/11

6.11.25.

NOTE—Contn. Sheet

App. F. III—2]

W.P. 0669—GPB —40,000—31-7-2.

File No. of 192

General and Revenue Secretariat

Serial No.

NOTE— Contr Sheet

General and Revenue Secretariat | File No. 97 of 192 5

Serial No

21) Dft Sanctd
AV
6-11-1925.
6.11.25

22) Draft
6.11.25.

Rev. Secy)

23) Approved
9.11

24) Issue
10.11.25.

2. To The Hon'ble Comptroller
No 558-9 S 10-11-25-
Sanctioning the re-appropriation
in [illegible]

Note—Contn. Sheet

App. F. III—2]

WD 0569—GPB—40,000—31-7-2

File No. of 192 .

General and Revenue Secretariat

Serial No.

NOTE—Contn. Sheet

4

OFFICE OF THE Muzrai/COMMISSIONER
IN MYSORE.

IMMEDIATE.

Camp Mysore,
~~Bangalore~~, 2nd October 1925.

No. 232 / 25-26 Encl Two & one file —

FROM

C. S. BALASUNDARAM IYER ESQ., B.A.,
Revenue Commissioner in Mysore.

GEN. & REV SECRETARIAT.
MYSORE

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE.
REVENUE DEPARTMENT.

SIR,

I have the honour to forward herewith copies of letters Nos.O.C.140/25-26 dated 27th August and 11th September 1925, from the Deputy Commissioner, Shimoga (7) District, regarding O.S. No.358/24-25 filed by Messrs. Kallur Dasappaiya and Shimmappaiya of Shirthahalli in respect of three items of loan due by the Bheemanakatte Matha and to solicit sanction of Government to authorise the Deputy Commissioner to pay the amounts, as the debt is said to be a legitimate one which the Matha is bound to discharge.

2. As, however, the suit was filed without previous notice, the services of the Public Prosecutor will be engaged to contest about the costs of the plaintiffs and the defendants in the suit.

3. The connected file of vernacular papers is enclosed for reference and obliging return.

I have the honour to be,

Sir,

Your most obedient servant,

C. S. Balasundaramiyer

Muzrai Commissioner.

BR.

Letter No.O.C.140/25-26 dated 11th September 1925, from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore, Bangalore.

With reference to your letter No.C.232 of 25-26 dated the 9th instant, regarding the Civil Suit filed by Messrs Mallur Dasappaiya and Shimmappaiya of Thirthahalli, I have the honour to state that, at my request, the case has been posted to the 7th October 1925. On the last hearing, the Public Prosecutor, had not appeared on behalf of the Matha, and I have not, as yet, requested him to do so. I solicit the favour of early orders in the matter.

2. The enclosures are herewith returned.

" C o p y "

For Muzrai Commissioner.

BR.

Letter No.O.C.140/25-26 dated 27th August 1925, from the Deputy Commissioner, Shimoga District, to the Luzrai Commissioner in Mysore.

I have the honour to state that Messrs. Kallur Basappaiya and Thimmappayya of Thirthahalli have filed a Civil Suit in the Court of the Munsiff at Shimoga against the Sri Bheemanakatt Mutt claiming Rs.1054-8-9. They have made the agent Mr. B.K. Lakshminarayanachar the first defendant and the Deputy Commissioner the second defendant. Prior to the launching of the civil suit the plaintiffs have not issued any notice to the Deputy Commissioner. The sum ons received from the Munsiff's Court was the first notice. From the copy of the plaint received with the summons it is seen that the amount claimed consists of three items as hereunder:--

		Rs. As. Ps.
1. (a) The closing balance of the running account as it stood on 22-6-22...		702 - 4 - 9
(b) Interest on the said amount...		252 - 13 - 0
	Total...	955 - 1 - 9
II. (a) Amount taken by the 1st defendant on 4th September 1922...	Rs.35 - 0 - 0	
(b) Interest... ...	" 11 - 11 - 6	
	" 46 - 11 - 6	46 - 11 - 6
III. (a) Amount taken by the 1st defendant on 29-10-22.	Rs.40 - 0 - 0	
(b) Interest... ...	" 12 - 11 - 6	
	" 52 - 11 - 6	52 - 11 - 6
	Grand Total...	1,054- 8 - 9

As regards item No.I, the Amildar reports in his No.H.C.20/25-26 dated 5th August 1925 that it is an amount which the Mutt has to pay. In this connection, I beg to invite reference to para 10 of this office letter No.O.C.75/Rev.22-23 dated the 19th September 1922. In the list of liabilities submitted by the Sub Division Officer this item finds a place being serial No.5. A sum of Rs.800/- is shown as due to the plaintiff Kollur Thimmappa. I therefore propose to pay the amount claimed under this item as it is a legitimate debt which the Mutt is bound to discharge. As regards item No.II, the agent says that he borrowed the same for the purpose of crediting

towards the Police dues being the cost of the Police that form the watch and ward establishment of the Mutt. The third item the agent says he probably borrowed to defray certain necessary expenditure of the Mutt. He is not definite on this matter as the day Book and Ledger of this period are now in the Udipi Munsiff's court in connection with a pending case. The Amildar further says that the last two items have not been paid from out of the Mutt funds on any subsequent date either and that this statement is based on the references available in his office. In these circumstances, I would recommend these items also to be paid from the Mutt funds. The agent Mr. Lakshminarayanachar cannot be suspected to give a false statement in respect of these small sums.

As the case is in the Civil Court, I will employ the Public Prosecutor to do the needful, his bill of costs being met from the funds of the Mutt. He will contest about the costs of the plaintiffs and the defendants as the plaintiffs made no demand of their dues from the Deputy Commissioner before launching the Civil Suit.

The connected records duly feristed are enclosed for reference and return. As the case is posted to the 31st instant, I solicit the favour of very early orders in the matter.

" C o p y "

For Huzrai Commissioner.

BR.

Immediate.

13

No. C 232 of 25-26 Office of the Muzrai Commissioner in Mysore.

Dated Bangalore 2nd November 1925.

From

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

In continuation of this office letter C.No.232/25-26 dated 3rd October 1925 re suit filed by messrs Kallur Dasappaiya and Thimmappaiya of Thirthahalli against the Bheemanakatte Matha, I have the honor to forward herewith copy of letter C.C.No.140/25-26 dated 28th October 1925 from the Deputy Commissioner, Shimoga District and to solicit early orders in the matter as the case stands ---- adjourned to 11th instant.

I have the honor to be,

Sir,

Your most obedient servant,

C S Balasundaram Iyer

Muzrai Commissioner.

KSR.

Letter No.C.C.140/25-26 dated 28th October 1925 from the Deputy Commissioner, Shimoga District to the Muzrai Commissioner in Mysore.

- - - - -

"I have the honor to invite kind reference to my letter No.C.C.140/25-26 dated 14-9-1925, regarding the Civil Suit filed by Messers Kollur Dasappaiah and Timmappaiya of ----- Tirthahalli and to request the favour of an early reply thereto as the case has already been adjourned twice at my request and it stands adjourned now to the 11th proximo for filing of -- defence."

"C o p y"

for Muzrai Commissioner.

KSR.

G.R.S. VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Misc

File No. 47-25

Serial No. 2

General and Revenue Secretariat

( )

, *the* 192 .

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue.... 10-11-25

Signed by Mr J Ramaiya

Read—

Correspondence ending with Letter no. C 232 dt 2-11-1925 from the Mem Comr, Submitting Copies of Letters dt 27th August and 11th Sept, 1925 from the Dy. Comr, Shimoga

Order Thereon No

Dtd, regarding C.S. no. 358/24-25 filed by Messrs Kallur Dasappa and Thimmappiah of Sirsihalli in respect

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

3 items of Com. due by Sir
Bhimanapalle matt and
Soliciting Sanction of Govt.
to authorize the Dy. Comr
to pay the amounts as
the debts are said to be a
legitimate one & which the
matt is bound to discharge,
and adding that in the
Suit was filed without
previous notice, the
Service of the Public
Prosecutor will be
engaged to contest about
the costs of the plaintiff
and the defendants in
the Suit.

List of enclosures.

~~568~~ 9 & 10-11-28.

Enclosure one file.

On these papers

The Hon'ble Commissioner—
Recommendation to pay the
amount from the matt
funds is approved & it is
presumed that there is
sufficient money at the
credit of the institution

Copied by

Recommendation

Examined by

Yth M.C. 4/5

Yth Change

WD 1883—G1 B—1,000,00 -21 12 21

17

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form)

To meet the payment

h
9.11.25

D/S Rev Secretary

Sg Bd

Inc Dmg Cmr's draft

Meet from the funds of the Matt

6/11/25.

WL 2230—GPB—1,00,000—23 7 20